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Schlumberger Resources Management
Services, Inc.
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Norcross, Georgia 30092

In re Application of :
Christophe LELEU : DECISION ON
Application No.: 09/914,512 :
PCT No.: PCT/FR00/00484 : RENEWED PETITION
Int. Filing Date: 25 February 2000 :
Priority Date: 03 March 1999 : UNDER 37 CFR 1.47(b)
Attorney's Docket No.: 74.0241 :
For: A Method And Apparatus For Measuring :
... Particular An Ultrasound Signal :
:

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(b)" faxed on 27 September 2002, that seeks the acceptance of the application without the signature of the inventor Christophe LELEU.

BACKGROUND

On 27 March 2002, a decision from this Office dismissed the petition filed on 15 June 2002. The decision indicated that applicant had not satisfied items (2) and (4) thus not completing the requirements under 37 CFR 1.47(b).

On 27 September 2002, petitioner faxed a renewed petition to satisfy the remaining 1.47(b) requirements.

It is noted that on 03 April 2002, a "Change of Correspondence Address" was filed in the present application. However, because the communication was not signed by an attorney of record, the change will not be entered under 37 CFR 1.33.

DISCUSSION

Petitioner has, now, satisfied requirement (2) under CFR 1.47(b) but requirements (4) and (5) are not satisfied because the declaration is now signed by Gerald Gallez, who has not shown that Actaris is now the current party of interest for the above application. The new declaration is signed by Gerard Gallez (the first declaration was signed by Mr. Henri Dupont on the behalf of the sole nonsigning inventor) on behalf of the sole nonsigning inventor Mr. Leleu but petitioner has not adequately established that Actaris SAS is the assignee. The agreement provided with the renewed petition establishing Schlumberger Industries S.A. transferred ownership rights in

Application S.N. 09/914,512 to Actaris S.A.S. is in French and no English translation has been provided that would verify the transfer.

Regarding item (2), the declaration provided by Mr. Straub states that a copy of the application papers (complete copy of the patent application and a Declaration form) was mailed to Mr. Leleu on August 7, 2002 and again September 09, 2002 for his signature. Mr. Straub failure to receive a reply to the two letters (application papers) mailed to the nonsigning inventor last known address and accepted by signature at that address are sufficient to show that Mr. Leleu refuses to sign the declaration form for the above referenced patent application.

Regarding item (4), the new declaration provided has been executed by Mr. Gerald Gallez, President of Actaris SAS, stating that he is authorized to sign on behalf of the corporation for the non-signing sole inventor, Mr. Leleu; but, it has not been yet established that Actaris SAS is the assignee.

Regarding item (5), applicant has not submitted proof that applicant has sufficient proprietary interest in the application because the "Agreement Establishing Schlumberger Industries S.A. Transfer of Ownership Rights in Application S.N. 09/914,512 to Actaris S.A.S." is in French and no English translation was provided. Therefore, it is unclear if the agreement acknowledges ownership of the invention to Actaris S.A.S.

Petitioner's renewed petition has satisfied items (1), (2), (3), and (6), but not items (4) and (5) thus not completing the requirements under 37 CFR 1.47(b). Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

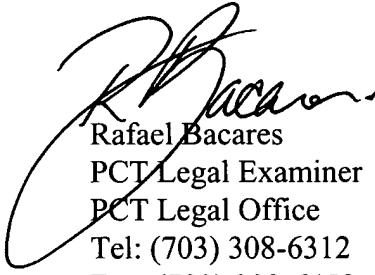
CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. A translation of the international application and the \$130.00 processing fee as required in response to the decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.


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